

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOSEPH CORENO,	)	CASE NO.: 1:02CV1919
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	
	)	
AVNET, INC., <i>et al.</i> ,	)	<b><u>ANSWER OF DEFENDANT AVNET,</u></b>
	)	<b><u>INC. TO PLAINTIFF'S COMPLAINT</u></b>
Defendants.	)	

For its Answer to Plaintiff's Complaint, Defendant Avnet, Inc. ("Avnet") states:

**FIRST DEFENSE**

1. Avnet admits that it employed Plaintiff from August 1986 until June 11, 2002 and denies any remaining allegations in Paragraph 1 of the Complaint.

2. For its Answer to Paragraph 2 of the Complaint, Avnet admits that it is incorporated under the laws of the State of New York and affirmatively states that its principal place of business is in Phoenix, Arizona; further answering, Avnet admits that Defendant Kevin Gorham is presently employed as one of its human resource directors; further answering, Avnet denies, as stated, the second sentence in Paragraph 2 of the Complaint and denies any remaining allegations in Paragraph 2 of the Complaint.

3. Avnet denies any factual allegation in Paragraph 3 of the Complaint and denies any remaining allegations because they state only Plaintiff's legal conclusion.

4. Avnet admits that its records show Plaintiff was born on January 31, 1939 and that he was at least 63 years old at the time of his separation from Avnet.

5. Avnet denies the allegations in Paragraph 5 of the Complaint and affirmatively states that Plaintiff's termination was based on a legitimate, nondiscriminatory reason, a reduction in Avnet's workforce.

6. For its Answer to Paragraph 6 of the Complaint, Avnet admits only that the sales territory previously assigned to Plaintiff has been restructured and divided between two (2) other employees, one of whom is under 40 years of age; further answering, Avnet denies the remaining allegations contained in Paragraph 6 of the Complaint.

7. Avnet denies, as stated, the allegations in Paragraph 7 of the Complaint.

8. Avnet denies the allegations in Paragraph 8 of the Complaint.

9. Avnet denies the allegations in Paragraph 9 of the Complaint.

10. Avnet denies the allegations in Paragraph 10 of the Complaint.

11. Avnet denies the allegations in Paragraph 11 of the Complaint.

12. For its Answer to Paragraph 12 of the Complaint, Avnet incorporates each of the preceding paragraphs as if fully rewritten herein.

13. Avnet denies the allegations in Paragraph 13 of the Complaint.

14. For its Answer to Paragraph 14 of the Complaint, Avnet incorporates each of the preceding paragraphs as if fully rewritten herein.

15. Avnet denies the allegations in Paragraph 15 of the Complaint.

### **SECOND DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

### **THIRD DEFENSE**

Plaintiff's claims are barred, in whole or in part, because Plaintiff was employed at-will.

**FOURTH DEFENSE**

Avnet did not discriminate against Plaintiff because of his age.

**FIFTH DEFENSE**

Any action taken by Avnet with regard to Plaintiff's employment was taken for legitimate, nondiscriminatory reasons.

**SIXTH DEFENSE**

Any action taken by Avnet with regard to Plaintiff's employment was taken based on reasonable factors other than age.

**SEVENTH DEFENSE**

Plaintiff may have failed to mitigate his damages, if any.

**EIGHTH DEFENSE**

Plaintiff may have elected his remedies under Ohio law and may be limited in the types of damages, if any, to which he is entitled.

**NINTH DEFENSE**

Avnet reserves the right to add additional defenses that may come to light during discovery.

WHEREFORE, Defendant Avnet, Inc. requests that this Court dismiss Plaintiff's Complaint in its entirety and that the Court award it reasonable attorney's fees and the costs it incurs to defend this action.

Respectfully submitted,

/s/ Margaret M. Koesel

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Attorneys for Defendants Avnet, Inc. and  
Kevin Gorham

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2002 Avnet, Inc.'s Answer to Plaintiff's Complaint was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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Attorney for Plaintiff

/s/ Margaret M. Koesel

One of the Attorneys for Defendants